

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY KING,
Plaintiff,

v.

HOSPITAL COURIERS NEVADA LLC,
Defendant.

Case No. [4:18-cv-06225-KAW](#)

SECOND ORDER TO SHOW CAUSE

Re: Dkt. Nos. 8, 13

On October 11, 2018, Plaintiff Troy King filed this case against Defendant Hospital Couriers Nevada, LLC. (Dkt. No. 1.) Plaintiff also moved to proceed *in forma pauperis* ("IFP Application"). (Dkt. No. 4.) On October 26, 2018, the Court granted Plaintiff's IFP Application. (Dkt. No. 5.) Pursuant to 28 U.S.C. § 1915(e)(2), the Court then screened Plaintiff's complaint and found it deficient, finding that Plaintiff had failed to set forth a "short and plain statement of the claim showing that the pleader is entitled to relief" and that Plaintiff had failed to establish subject matter jurisdiction. (Dkt. No. 8.) The Court ordered Plaintiff to file an amended complaint that provided the legal and factual basis for all claims by January 25, 2019. *Id.* at 3. Plaintiff did not timely file an amended complaint, so the Court issued an order to show cause on February 14, 2019. (Dkt. No. 10.) Therein, Plaintiff was ordered to respond by March 15, 2019 and explain why his case should not be dismissed for failure to prosecute, and why he did not file the amended complaint by January 25, 2019. *Id.* Additionally, Plaintiff was ordered to file his first amended complaint. *Id.*

On March 14, 2019, Plaintiff filed a response to the order to show cause and explained that he was evicted from his residence and was homeless, which resulted in problems receiving mail, so he did not realize that the screening order and order to show cause were issued until he met

1 with the Legal Help Center on March 12, 2019. (Dkt. No. 12 at 1.) Plaintiff then requested an
2 additional 30 days to file the amended complaint. *Id.* at 2. Plaintiff simultaneously filed a notice of
3 change of address form. (Dkt. No. 13.) On March 22, 2019, the undersigned discharged the
4 February 14, 2019 order to show cause, and granted Plaintiff's request for an extension of time to
5 file the first amended complaint. (Dkt. No. 13.) Plaintiff was given until April 22, 2019 to file the
6 first amended complaint. *Id.* Despite seeking and obtaining an extension, Plaintiff has still not
7 filed an amended complaint.

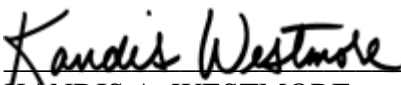
8 Accordingly, the Court ORDERS Plaintiff to show cause, by **July 15, 2019**, why Plaintiff's
9 case should not be dismissed for failure to prosecute, and why he did not file the amended
10 complaint by April 22, 2019. Additionally, Plaintiff shall file his first amended complaint. Failure
11 to respond to the order to show cause and file the first amended complaint by the deadline will
12 result in the Court reassigning the case to a district judge with the recommendation that the case be
13 dismissed.

14 Again, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk for
15 assistance—a free service for pro se litigants—by calling (415) 782-8982 to make an appointment.
16 Plaintiff may also wish to consult the manual the court has adopted to assist pro se litigants in
17 presenting their case. This manual, and other free information for pro se litigants, is available
18 online at: <http://cand.uscourts.gov/proselitigants>.

19 Additionally, the case management conference set for June 25, 2019 is continued to
20 **September 17, 2019** at 1:30 p.m. in Courtroom 4, U.S. District Court, 1301 Clay Street, Oakland,
21 California. The case management statement is due on or before **September 10, 2019**.

22 IT IS SO ORDERED.

23 Dated: June 18, 2019

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KANDIS A. WESTMORE
25 United States Magistrate Judge
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